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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION DOCKETED

AUG 06 2001

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY	<i>sd</i>
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IN THE MATTER OF THE APPLICATION OF
NXGEN NETWORKS, INC. FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE COMPETITIVE FACILITIES-BASED
AND RESOLD LOCAL EXCHANGE,
INTEREXCHANGE, AND ACCESS
TELECOMMUNICATIONS SERVICES

DOCKET NO. T-03969A-00-1006

DECISION NO. 63926

ORDER

Open Meeting
July 24 and 25, 2001
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On December 11, 2000, NxGen Networks, Inc. ("Applicant" or "NxGen") submitted to Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange, interexchange, and exchange access telecommunications services statewide.

2. On March 20, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of the application.

3. On March 22, 2001, a Procedural Order was issued requiring NxGen to file affidavits of publication indicating compliance with the Commission's notice requirements by May 11, 2001. The Procedural Order also scheduled the matter for hearing on June 7, 2001. NxGen failed to appear at the scheduled hearing time and failed to contact the Commission regarding a continuance.

4. On July 3, 2001, Staff recommended that NxGen's application be denied.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the

1 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2 2. The Commission has jurisdiction over Applicant and the subject matter of the
3 application.

4 3. Notice of the application was not given in accordance with the law.

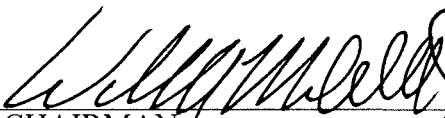

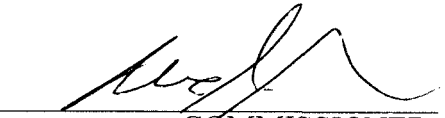
5 4. Staff's recommendation in Findings of Fact No. 4 is reasonable and should be adopted.

6 **ORDER**

7 IT IS THEREFORE ORDERED that the application of NxGen Networks, Inc. for a
8 Certificate of Convenience and Necessity for authority to provide competitive facilities-based local
9 exchange, interexchange, and exchange access telecommunications services is hereby denied.

10 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

11 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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13 CHAIRMAN  COMMISSIONER  COMMISSIONER
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16 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
17 Secretary of the Arizona Corporation Commission, have
18 hereunto set my hand and caused the official seal of the
19 Commission to be affixed at the Capitol, in the City of Phoenix,
20 this 6th day of August, 2001.

21 
22 BRIAN C. McNEIL
23 EXECUTIVE SECRETARY

24 DISSENT _____
25 SG:mlj
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1 SERVICE LIST FOR: NXGEN NETWORKS, INC.

2 DOCKET NO.: T-03969A-00-1006

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